

## REMARKS

### ***Restriction Requirement***

Applicants hereby elect ***with traverse*** the claims of Group I (claims 1-4, 11-12 and 16), which are drawn to a method for detecting a binding factor for a probe. With regard to species, Applicants elect, with traverse, nucleic acid probes.

The Applicants traverse for at least the following reasons. Applicants respectfully assert that the inventions of Groups I and II as directed to should be examined together.

Applicants respectfully submit that the inventions of Groups I-II are closely related and that a proper search of any of the claims should, by necessity, require a proper search of the others. Thus, Applicants submit that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants submit that any nominal burden placed upon the Examiner to search accordingly to determine the art relevant to Applicants' overall invention is significantly outweighed by the public's interest in not having to obtain and study many separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This process would place an unnecessary burden on both the Patent and Trademark Office and on the Applicants.

Regardless of whether the two inventions are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. MPEP § 803 requires that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

With regard to the species, Applicants submit that the claims relate to methods of detecting a range of molecules, not limited to one type of molecules only.

Applicants note that when the binding factor to be detected is a protein, a nucleic acid (for example, DNA aptamer) can be used as a probe. In addition, when a nucleic acid is the binding factor to be detected, a protein (for example, antibody fragment) may be used as a probe.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Applicants have no intention of abandoning any non-elected subject matter and expressly reserve the right to file one or more continuation and/or divisional applications directed to the non-elected subject matter.

Applicants earnestly solicits favorable consideration of the above response and early passage to issue the present application. The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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